

UNITED STATES DISTRICT COURT  
Northern District of California

DOMINION ASSETS, LLC,

No. C 12-2773 MEJ

Plaintiff,

**ORDER RE: DISCOVERY LETTER  
(DOCKET NO. 44)**

v.

MASIMO CORP., et al.,

Defendants.

On July 1, 2013, the parties filed a joint discovery letter. Dkt. No. 44. Plaintiff Dominion Assets LLC asks the Court overrule certain objections that Defendants Masimo Corporation and Cercacor Laboratories, Inc. have made to Plaintiff's Requests for Documents, while Defendants seek to compel Dominion Assets to supplement its infringement contentions prior to Defendants producing their source code. Upon review of the parties' letter, the Court ORDERS as follows:

- 1) Within 21 days, Dominion Assets shall amend its infringement contentions to fully comply with Patent Local Rule 3-1(a) and (c). Pursuant to Rule 3-1(a), Dominion Assets shall, *separately for each opposing party*, provide "[e]ach claim of each patent in suit that is allegedly infringed by each opposing party, including for each claim the applicable statutory subsections of 35 U.S.C. §271 asserted." Pursuant to Rule 3-1(c), Dominion Assets shall provide a "chart identifying specifically where *each limitation of each asserted claim is found within each Accused Instrumentality*, including for each limitation that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function." (emphasis added.)
- 2) Upon receipt of the amended infringement contentions, the parties shall meet and confer to determine a mutually agreeable method for production of Defendants' source code.

**IT IS SO ORDERED.**

Dated: July 9, 2013

  
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Maria-Elena James  
United States Magistrate Judge